

REMARKS

This amendment is being filed in response to the Office Action mailed November 20, 2007. In that Office Action, claims 1-27 were rejected as being unpatentable over “Framework for Security and Privacy in Automotive Telematics: (“IBM”), Sastry Duri et al. ACM, September 28, 2002 in view of the wireless implementation of HP OpenView (OpenView) and “Lucent Technologies to Provide ORiNOCO Wireless Networking and Internet Access for HP PCs (“Wireless”). Claims 1, 2 and 10 through 27 have been cancelled. Claims 28 and 29 have been added. Claim 28 is in independent form. Accordingly, claims 3-9, 28, and 29 are now pending in the application.

Objection to the Title

The Examiner has objected to the title as not being descriptive. A new title has been supplied by Applicant. The Examiner took issue with the words method and system and requested that they be removed. While the word “system” has been removed, the word “method” is appropriate since the invention currently being claimed is a method. Furthermore, many patents have the word “method” therein and this should not be a bar to Applicant receiving a Notice of Allowance for the patent application. While Applicant traverses the objection to the original title, the new title being submitted herein is descriptive and represents a descriptive identification of the invention disclosed in the patent application. Accordingly, withdrawal of the objection is requested.

Interpretation of Terminology

The Examiner has set forth interpretations of the call center and the telematics unit. While Applicant agrees that the call center does have a primary update server function, Applicant takes issue with any interpretation that would lead one to believe that the call center is only a primary update server. The Examiner states that the telematics unit refers to an update server. This is an inaccurate interpretation of the telematics unit. The telematics unit uploads information and downloads information of many types. It cannot be characterized as merely an “update server.”

Claims 1-27

Claims 1 through 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over IBM in view of OpenView and Wireless (all three set forth above). Applicant respectfully traverses this rejection.

Applicant has cancelled claims 1, 2 and 10 through 27 rendering the rejection thereto moot. Claim 28 has been added and is the only independent claim herein. Claim 28 is not anticipated by the combination of references set forth above.

More specifically, the first reference, IBM, discloses concepts regarding security and privacy in automotive telematics. The IBM reference is strictly related to the transfer of information to and from a vehicle in a manner which will not compromise the security of the data being transferred. The focus of this reference is to create an environment that will allow users of vehicles to freely transfer information to and from the vehicle without a concern as to the data ending up in the possession of unintended third party recipients. It does not talk about configuring software in a vehicle after that vehicle has been deployed from the factory. Both “client and server platforms should allow for secure configuration, update and execution ‘booting’ of system and application software,” (IBM, p.30, the bottom of column 1 and top of column 2). This reference does not explain how to update or configure client and server application software. It merely states it should allow for secure configuration update and execution. A mere suggestion or wished for function does not equate to a disclosure. It cannot, therefore, be used as a reference to reject the above-captioned patent application.

The OpenView reference discloses a system that manages software distribution by analyzing target machines and performing a series of checks between the target machines and the software that is to be installed. The software distribution environment in Figure 8.7 thereof shows a wired environment with a controller directly wired to all of the target systems. These target systems and this controller are shown to be immobile, or at least non-vehicular systems. Combining the disclosure of OpenView with the IBM reference would require the vehicle to be brought into a dealership or other such repair center and have the electronics directly wired to a server for software update.

For the wireless portion of the technology, the Examiner refers to Wireless. Nowhere in the Wireless reference is there a discussion about whether the wireless communication between computers can be done in a vehicular setting. In fact, the secondary and tertiary references disclose inventions that would clearly not work in a vehicular environment. As such, it is improper for the Examiner to combine the first reference with the second and third references. There is no teaching, suggestion, nor any other apparent reason why these references would be combined to come up with a system or method that renders obvious Applicant's claimed use of a wireless communication system for a vehicular environment.

Claim 28 has been introduced. This claim is for a method for remotely updating software stored in a memory device of a vehicle equipped with a telematics unit. The method includes the step of initiating remote communication between a call center and the telematics unit. The telematics unit uploads to the call center a configuration for software to be stored in the memory device. The vehicle software configuration of software is then compared with a standard stored in the call center. The call center then downloads via a wireless network to the telematics unit updated software to replace the software stored in the memory device when the configuration for the software differs from the standard stored in the call center.

The claimed method relates to the transmission of software and software systems from the call center to the telematics unit. It does not relate to data that may be entered or retrieved by a user. It relates to operational software.

While the IBM reference discloses a notion for allowing the configuration of systems on a vehicle, it does not explain how it is done. One skilled in the art **could not** look at the IBM reference and identify how it could combine the three references cited by the Examiner to come up with a system that performs the method as claimed in claim 28. Therefore, claim 28 and all claims depending therefrom overcome the rejection set forth by the Examiner.

Claim 29 has been added to the application. Claim 29 claims a method including the step of identifying a trigger event prior to the step of initiating remote communication. A trigger event may be any event that would require the checking of the

configuration of the vehicle software to determine whether updates are required. Such triggers may include replacements of parts and time. None of the references disclose a trigger event which would allow the communication between the call center and the telematics unit to identify whether software configuration updates are required.

Claims 3 through 8 stand rejected under 35 U.S.C. § 103(a). Applicant respectfully traverses these rejections as none of the references presented by the Examiner show the elements found in these claims in combination with the steps of claims 28 and/or 29. Therefore, these dependent claims, which depend from claim 28, overcome the rejections under 35 U.S.C. § 103(a) and are in condition for allowance.

None of the references discovered by Applicant or the Examiner disclose the claimed method of claim 28. In particular, none of the references alone or combined, where permissible under the law, disclose a system or method that would allow a vehicle to remotely check and update the software stored and operated by the vehicle upon the occurrence of a trigger event.

Conclusion

In view of the foregoing, Applicants respectfully submit that all claims are allowable over the prior art. Reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any required fees, or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

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